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Report of the Secretary-General on children and armed conflict in Myanmar

Summary

The present report, submitted pursuant to Security Council resolution 1612 (2005) and subsequent resolutions, covers the period from 1 February 2013 to 30 June 2017 and is the fourth report on children and armed conflict in Myanmar to be submitted to the Security Council and its Working Group on Children and Armed Conflict. The report provides information on grave violations against children in Myanmar and identifies parties to the conflict responsible for such violations.

During the reporting period, armed clashes in conflict-affected areas of the country continued to put children at risk and the country task force on monitoring and reporting documented and verified grave violations against children by the Myanmar Armed Forces (Tatmadaw) and other parties to the conflict, including all seven armed groups listed in the annual report of the Secretary-General on children and armed conflict. Grave violations against children increased in some areas owing to military operations and intensified clashes in several areas of the country, notably in Shan, Kachin and Rakhine States.

Following the signing of a Joint Action Plan to end and prevent the recruitment and use of children by the Tatmadaw between the Government of Myanmar and the United Nations in June 2012, more than 849 children were released from the ranks of the Myanmar Armed Forces. Progress towards the implementation of the Joint Action Plan resulted in an annual decrease in the number of verified child recruitment cases. The country task force verified that 153 children had been recruited in 2013, 47 in 2014, 22 in 2015 and 3 in 2016. While this reflects a discernable pattern of decrease, it is important to note that, owing to lengthy verification processes, cases of recruitment may manifest themselves in later years. The reporting period indicated progressive engagement by the Government of Myanmar on the Joint Action Plan. Remaining gaps, particularly with regard to accountability measures and the speed of case verification, should be addressed within the shortest possible amount of time.

During the reporting period, the country task force also engaged with all listed armed groups with a view to ending and preventing grave violations against children. Five of the listed groups showed interest in engaging with the United Nations on child protection. However, protracted conflicts and recent clashes, particularly in border areas and non-Government-controlled areas, represented a particular challenge in terms of advancing child protection, and frequent incidents of child recruitment and use, the killing and maiming of children or the abduction of children were verified by

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the country task force. In line with resolution 1612 (2005) and subsequent resolutions, increased engagement should be sought with the support of the Government of Myanmar, most urgently with those parties engaged in the Government-led peace process.

In the present report, it is noted that the country task force and its partners remained constrained by access and security impediments that presented a challenge to effective monitoring, verification and reporting of grave violations against children by listed parties in Myanmar. The report contains a series of recommendations addressed to all parties aimed at better protecting children affected by armed conflict in Myanmar.

I. Introduction

1. The present report, which covers the period from 1 February 2013 to 30 June 2017, has been submitted pursuant to Security Council resolutions 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012) and 2225 (2015) and specifies grave violations against children affected by armed conflict in Myanmar. It is a follow-up to my third report (S/2013/258) and provides an update on the implementation of the conclusions of the Working Group of the Security Council on Children and Armed Conflict (S/AC.51/2013/2) issued on 16 August 2013, pursuant to my third report.

2. The present report provides an overview of political and security developments, examines trends and patterns of violations committed against children and highlights progress made in ending and preventing these violations since the issuance of my previous report. It also contains a series of recommendations aimed at strengthening action for the protection of children affected by armed conflict in Myanmar.

II. Overview of political and security developments

A. Political developments

3. Following the elections held in November 2010 and the appointment of the Union Solidarity and Development Party-led administration in March 2011, the National League for Democracy (NLD) of Aung San Suu Kyi won a majority of seats in the parliamentary elections of November 2015. The subsequent transfer of power proceeded peacefully on 31 March 2016. Of the 22 government ministries, the Commander-in-Chief of the Myanmar Armed Forces (Tatmadaw) appoints ministers for the Ministries of Home Affairs, Border Affairs and Defence. The same Constitution was used to enact the State counsellor law, creating a new Ministry of the State Counsellor, which, like the President, is accountable directly to Parliament.

4. Since the elections, the NLD-dominated Parliament has adopted legislation that promotes and protects civil rights, and has amended and repealed laws that allowed for intrusive State intervention on security grounds. On the other hand, the Government has increasingly drawn upon the Unlawful Associations Act of 1908 to arrest and detain people, including children, considered to be part of an unlawful association, without clearly defining the term.

5. The change in the administration following the holding of the November 2015 elections had a temporarily impact on the activities related to children and armed conflict as the new administration reinstated the Committee for the Prevention of Military Recruitment of Underage Children in May 2016, after which those activities resumed.

B. Security developments

6. It is estimated that more than 20 armed groups are currently active in Myanmar, although an exact assessment of the number is difficult as a result of the frequent splits, mergers and shifting alliances between those groups. Throughout the reporting period, Kachin, Shan and Rakhine States were the areas most affected by clashes between government armed forces and armed groups and, at times, among armed groups.

7. Between 2011 and 2013, 13 bilateral ceasefire agreements were signed between the Government and armed groups. On 15 October 2015, following a four-year national dialogue initiated by the former President of Myanmar, U Thein Sein, and

led by the Minister of the President's Office, U Aung Min, the Government and eight armed groups in Myanmar signed the Nationwide Ceasefire Agreement. Although it was not signed by all active armed groups in Myanmar, the Agreement is a landmark achievement in the peace process.

8. In August 2016, the new administration organized the first 21st-Century Panglong Conference to advance the peace process, with the historic participation of nearly all armed groups in Myanmar, including those that had not signed the Nationwide Ceasefire Agreement. The second 21st-Century Panglong Conference was held in May 2017. The two conferences marked the beginning of a broader peace process that has been declared a top priority by the Government. Notwithstanding those advances, recent months have seen armed clashes in several parts of the country, primarily northern and western Myanmar.

Developments in Kachin and Shan States

9. In June 2011, fighting resumed between the Kachin Independence Army (KIA) and the Tatmadaw in Kachin State, breaking a 17-year-old ceasefire agreement. Subsequently, fighting also flared up in northern parts of Shan State between the Tatmadaw and local armed groups. In the context of this renewed conflict with KIA, the country task force documented fighting by the "people's militias" (pyithusit) alongside the Tatmadaw for the first time in early 2016. In November 2015, clashes also resumed between the Ta'ang National Liberation Army (TNLA) and the Restoration Council of Shan State/Shan State Army-South (RCSS/SSA-S), a signatory to the Nationwide Ceasefire Agreement. In November 2016, the formation of the Northern Alliance-Burma (NA-B), comprising KIA, the Myanmar National Democratic Alliance Army (MNDAA), TNLA and the Arakan Army (AA), led to a further intensification of the armed conflict in Kachin and Shan States. In June 2017, military operations in Tanai Township, Kachin State, were reported, as well as artillery shelling in civilian areas by unknown perpetrators. Active combat has made access for humanitarian operations impossible and has led to the displacement of thousands of civilians, including children. In eastern Shan State, sporadic clashes were also documented between the United Wa State Army (UWSA) and the National Democratic Alliance Army and in Kayin State between the Tatmadaw, including its border guard forces, comprising former members of the Democratic Karen Buddhist Army (DKBA), and a splinter group of DKBA.

10. Owing to fighting in Kachin and Shan States, more than 119,000 people depended on humanitarian assistance, including more than 98,000 who were still displaced as of June 2017. Nearly 50 per cent of displaced persons live in areas beyond government control, where humanitarian access for national and international organizations is limited or absent. Several thousand displaced persons have crossed the Myanmar-Chinese border.

Developments in Rakhine State

11. In Rakhine State, outbreaks of deadly violence occurred in 2013, 2014, 2016 and again in 2017. During the reporting period, the last outbreak of violence followed an attack by an armed group, self-identified as the Arakan Rohingya Salvation Army, against three border guard police posts on 9 October 2016, which triggered extensive military clearance operations by governmental security forces. The United Nations estimates that that triggered the displacement of approximately 90,000 people, both internally to other parts of northern Rakhine State and into Bangladesh. In March 2017, the United Nations Children's Fund estimated that 57 per cent of the 74,000 Rohyinga civilians who had fled into Bangladesh were children. Although the military clearance operation by the government security forces officially ended in February 2017, numerous smaller localized operations by government security forces

continued. In addition, intercommunal tensions and violence continued to affect Rakhine State.

Developments in Karen State

12. In August and September 2016, clashes in Karen State between the DKBA splinter group and the Tatmadaw and its border guard forces forced thousands of villagers to flee, with some reportedly crossing into Thailand.

C. Parties to conflict in Myanmar

13. During the reporting period, more than 20 armed groups operated in Myanmar with various levels of autonomy and territorial control and in diverse relationships with the Government. Armed groups in Myanmar are complex in structure, and alliances between groups shift rapidly, leading to a fluid situation in terms of parties to conflict. Not all armed groups engaged actively in fighting during the reporting period.

14. In addition to the Myanmar army (Tatmadaw Kyi), including integrated border guard forces, seven armed groups are listed as perpetrators of the recruitment and use of children in the annexes to my annual report on children and armed conflict.

1. Parties to conflict listed as perpetrators of recruitment and use

Tatmadaw Kyi and integrated border guard forces

15. The Myanmar Armed Forces consist of the Tatmadaw Kyi, the navy (Tatmadaw Yay) and the air force (Tatmadaw Lay). The Tatmadaw Kyi represents by far the largest branch. Auxiliary forces supporting the Tatmadaw include the border guard forces and the people's militias.

16. The border guard forces were created by the Government in 2009 and incorporate former armed groups into the Tatmadaw. Twenty-three armed groups accepted their conversion to border guard forces, although it required them to relinquish most of their operational and command autonomy. Once converted to border guard forces, former armed groups are included as a regular military force. The people's militias, however, maintain differing forms of affiliation with the Tatmadaw. While some units appear to be under the command and supervision of the Tatmadaw, others appear to operate as Tatmadaw-supported village militias, without a formal military structure.

17. The Government of Myanmar signed a Joint Action Plan with the United Nations in June 2012 to end and prevent the recruitment and use of children in the Tatmadaw. Previously, Myanmar Defence Council directive 13/73 (1974) had required that, in order to be recruited, future soldiers be older than 18 years, with the exception of an elite programme that had allowed trainees to be recruited after they had reached the age of 16. In November 2013, the Tatmadaw released directive 3/1/131/Yay1(B), abolishing any recruitment of those younger than 18, although the application of the directive remains a challenge.

Democratic Karen Benevolent Army

18. The DKBA splinter group, which renamed itself the Democratic Karen Benevolent Army, was formed in 2010 when Brigade 5 of DKBA split from the group to avoid integration into the Tatmadaw as border guard forces. In November 2011, the splinter group signed a ceasefire agreement with the Government. The armed group maintains close operational connections with the Karen National Union (KNU)/Karen National Liberation Army (KNLA). It was first listed in the annexes to my annual

report in 2013 as perpetrating the recruitment and use of children. The country task force held a workshop with the group in June 2017, which raised the issue of the prohibition of underage recruitment.

Kachin Independence Army/Kachin Independence Organization

19. KIA is the armed wing of the Kachin Independence Organization (KIO), founded in 1961, and is the second-largest armed group in Myanmar. KIA is currently engaged in active fighting against the Government in Kachin and Shan States and has been listed since 2007 as perpetrating the recruitment and use of children. In November 2016, KIA announced the formation of NA-B along with three other armed groups, TNLA, MNDAA and AA.

Karen National Union/Karen National Liberation Army

20. KNLA is the military wing of KNU and is based in Kayin and Mon States. KNU/KNLA signed a bilateral ceasefire with the Government in January 2012 and is a signatory to the Nationwide Ceasefire Agreement. The group has been listed since 2003 as perpetrating the recruitment and use of children. It has an official policy establishing 18 years as the minimum age for recruitment, which is, however, not consistently implemented. KNU/KNLA held a workshop with the country task force in September 2016 on prohibiting underage recruitment.

Karen National Union/Karen National Liberation Army Peace Council

21. The KNLA Peace Council (KNLA-PC) was established in January 2007 as a splinter group of KNU. The group was listed the same year as perpetrating the recruitment and use of children. KNLA-PC renewed its ceasefire agreement with the Government in February 2012 and is a signatory to the Nationwide Ceasefire Agreement. The country task force held a workshop with the group on the prohibition of underage recruitment in June 2017.

Karenni National Progressive Party/Karenni Army

22. The Karenni National Progressive Party/Karenni Army (KNPP/KA), founded in 1957 and listed in 2003 as perpetrating the recruitment and use of children, signed a ceasefire agreement with the Government in 2012 but is not a signatory to the Nationwide Ceasefire Agreement. The group's area of operations is in Kayah State. KNPP/KA finalized a draft action plan with the United Nations in February 2016 that remained unsigned at the time of reporting, owing to resistance by the Government.

Restoration Council of Shan State/Shan State Army-South

23. SSA-S, operating in Shan State, is the armed wing of RCSS and originated as a result of a split within the Mong Tai Army. The group signed a bilateral ceasefire agreement with the Government in December 2011 and became a signatory to the Nationwide Ceasefire Agreement in 2015. Notwithstanding its being a party to the Agreement, SSA-S clashed with the Tatmadaw several times after the group's accession. It has been listed since 2007 as perpetrating the recruitment and use of children.

United Wa State Army/United Wa State Party

24. UWSA is the armed wing of the United Wa State Party (UWSP). Located in the Wa Special Region of northern Shan State, UWSP administers six townships of the Wa Self-Administered Division as set out under the 2008 Constitution. The group's military wing is the largest armed group in Myanmar. It signed a ceasefire agreement with the Government in September 2011 but did not sign the Nationwide Ceasefire

Agreement. UWSA has been listed since 2006 as perpetrating the recruitment and use of children. It engaged with the United Nations in March and June 2015 on issues related to children and armed conflict.

2. Parties to conflict not listed as perpetrators of grave violations against children

Ta'ang National Liberation Army/Palaung State Liberation Front

25. TNLA is the armed wing of the Palaung State Liberation Front, founded in 1992, and operates in northern Shan State. In 2010, the area controlled by the Ta'ang was recognized by the Government as an administrative zone. TNLA has not signed a ceasefire agreement with the Government to date, and since November 2016 the group has been part of NA-B and actively involved in fighting against the Tatmadaw.

Myanmar National Democratic Alliance Army

26. MNDAA controlled Kokang Special Region 1, in northern Shan State, from 1989 to 2009. A ceasefire with the Government was broken in 2009 when MNDAA refused to integrate into the border guard forces, leading to large-scale conflict between the group and government armed forces. Following renewed clashes between the Government and MNDAA in February 2016, the group joined NA-B.

D. Grave child rights violations

27. Notwithstanding the ongoing peace process, armed clashes expanded to new areas, including northern Rakhine State, and intensified in several townships in northern Myanmar, continuing to put children at risk. Throughout the reporting period, armed clashes in various regions of Myanmar resulted in grave violations against children.

28. Security constraints as well as the denial of access by the Government of Myanmar to several regions, notably to non-Government-controlled areas, continue to present a considerable challenge to the documentation and verification of grave violations perpetrated against children. In addition, the limited presence of United Nations and international child protection organizations in Kachin, Shan, northern Rakhine and Chin States hampered engagement with communities affected by grave violations. Therefore, while the information contained in the present report is indicative of the nature of violations perpetrated against children, it does not indicate their full gravity or scale.

29. While incidents of all six types of grave violations against children were documented during the reporting period, child recruitment and use was by far the most frequent violation, accounting for more than 83 per cent of all those documented. The second most frequent violation was killing and maiming, at nearly 8 per cent, followed by abductions (4 per cent), attacks on schools (3 per cent), sexual violence (2 per cent) and denial of humanitarian access (1 per cent). While the percentage of documented cases of recruitment and use compared with the total number of violations gradually decreased during the reporting period, killing and maiming increased proportionally, accounting for 25 per cent of all grave violations committed in the first half of 2017.

1. Recruitment and use of children by armed forces and groups

30. While the number of cases of child recruitment and use by government armed forces decreased during the reporting period, the violation still represents a persistent challenge in Myanmar, with verified incidents attributed to both government armed forces and armed groups.

Recruitment and use by the Tatmadaw

31. Notwithstanding the advances made by the Government in ending and preventing the recruitment and use of children, the country task force continued to document and verify such incidents committed by government armed forces throughout the reporting period. Information was received primarily through the hotline operated by the country task force, community monitoring and the forced labour complaint mechanism of the International Labour Organization. The establishment of a tripartite case review mechanism in 2014, involving the country task force, the Ministry of Immigration and Population and the Ministry of Defence/Tatmadaw, helped to accelerate the verification process with respect to children present in Tatmadaw forces. Furthermore, the information-gathering process was improved by the launch of a nationwide Government-led campaign.

32. During the reporting period, the country task force received 1,374 complaints regarding the recruitment of children by the Tatmadaw, of which 856 could be verified (42 cases in 2012, 135 in 2013, 377 in 2014, 152 in 2015, 101 in 2016 and 49 from January to June 2017), some of which had occurred prior to the reporting period. At the time of reporting, nearly 100 complaints regarding potential child soldiers who remained deployed in their battalions were under investigation by the tripartite review mechanism. Areas that had the highest numbers of child recruitment included urban areas of Yangon, Mandalay, Magway, Irrawaddy and Bago. Methods of recruitment included force and coercion and involved civilian and military brokers.

33. Children formally recruited were deployed in front-line areas but also took on other functions, including as guards and messengers, and received military training. At least 274 children had been recruited since the signing of the Joint Action Plan with the United Nations in June 2012 and were eligible to be discharged (49 in 2012, 153 in 2013, 47 in 2014, 22 in 2015 and 3 in 2016). Those figures indicate a steady decrease in the number of children recruited by the Tatmadaw since 2012, when the Government signed the Joint Action Plan. More consistent application of the age assessment guidelines could help to further decrease the number of children recruited.

34. In addition to the cases of formal recruitment, the country task force documented 32 incidents of the military use of children by the Tatmadaw, involving a total of 728 children, of which 7 incidents involving 84 children were verified. While the Tatmadaw issued a directive (No. 4/10/139/Yay(1)B) to all regional commands in December 2015 prohibiting the use of children in military activities, incidents of use continued. Children were used mainly as guides or porters (31), for fencing and digging (30), for cooking and fetching water (10), for the maintenance and cleaning of military camps and other general work, including carrying heavy materials (8) and for bringing water and food to soldiers in front-line areas (10).

Detention of children for desertion from the Tatmadaw

35. The country task force continued to document cases of wrongfully recruited children who had subsequently left the Tatmadaw, commonly labelled as "AWOL" (absent without leave). Some of these children were subsequently arrested by the armed forces or the police and either sent back to their battalions or detained on charges of desertion. The country task force documented 15 cases of the detention of children for being absent without leave in 2014, 6 in 2015, 7 in 2016 and 3 in the first six months of 2017. As at 30 June 2017, all of those children had been released.

36. For example, in August 2016 the country task force was informed through its hotline that a suspected minor was being detained at his battalion in Rakhine State after having been AWOL. After the country task force had sent a notification letter requesting his immediate release from detention, the Tatmadaw informed it that the

person had been released from detention and had been requested to perform light duties within the perimeter of the battalion pending verification.

Detention of children for alleged association with armed groups

37. The country task force verified the detention of 13 boys charged under law 17.1/2 of the Unlawful Associations Act of 1908 for alleged association with armed groups. In the first case, documented in early 2017, the Myanmar police force arrested, detained and initiated an investigation into the unlawful association of a 13-year-old boy from Yangon, who had allegedly been recruited and used as a spy by KIA. In two other incidents following the attacks of 9 October 2016 in northern Rakhine State, the country task force verified the detention of 10 boys and 2 young men by the border guard police in Buthidaung, Rakhine State. Five children had been charged under the Unlawful Associations Act and for the illegal possession of a deadly weapon and murder; four children were being detained in prison while awaiting final age assessment before their trial; and one child had died in detention, allegedly as a result of previous health issues.

Recruitment and use by armed groups

38. Owing to severe access restrictions, the country task force verified only a limited number of cases of the recruitment and use of children by armed groups. During the reporting period, 41 such incidents were documented, of which 22 were verified, involving 49 boys and 10 girls. Of the verified incidents, 18 were attributed to KIA, 2 to TNLA and 1 each to the All Burma Students Democratic Front and the Kayan New Land Party.

39. The country task force is particularly concerned by reports of so-called recruitment drives reportedly conducted by armed groups in conflict-affected areas where groups of civilians, including children, were allegedly abducted and forcibly recruited. The reports indicate that armed groups visited villages with a predetermined list of names of people whom they were planning to abduct and forcibly recruit. Such incidents were allegedly perpetrated by KIA, TNLA or combined forces in Kachin and northern Shan States. For example, in a verified incident that occurred on 26 November 2015, KIA abducted four girls in Ei Naing, in Lashio Township, Shan State. The girls were subsequently moved to different posts and reportedly received military training. The country task force located two of the four girls and is currently working towards their release.

40. Reports that armed groups have specifically targeted internally displaced persons for abduction, including from camps for the internally displaced, are also worrisome. For example, in September 2014 the country task force verified an incident involving the abduction of three male internally displaced persons, including a 17-year-old boy, from a camp for the internally displaced in Kachin State, reportedly by KIA. The boy managed to escape, although other incidents of recruitment were perpetrated by KIA during the reporting period.

2. Killing and maiming of children

41. Children continued to be the victims of improvised explosive devices, landmines and explosive remnants of war and indiscriminate attacks, including through shelling and cross-fire incidents between armed groups and between armed groups and the Tatmadaw. Most of the cases occurred in Shan and Kachin States and, after 2016, also in Rakhine State. The country task force verified 76 incidents of killing and maiming, in which 41 children had been killed and 104 maimed. It was also verified that since 2015 the number of children killed or maimed had risen as a

result of aggravated fighting in Kachin, Shan and Rakhine States as well as the increased threat of landmines and other explosive devices.

42. Among the total number of verified incidents of the killing and maiming of children, 39 resulted from landmines, improvised explosive devices and explosive remnants of war (18 children killed and 63 injured), which were the primary causes of child casualties. While most of those incidents occurred in Kachin, Shan and Kayin States, 9 of the 14 States of Myanmar continued to be contaminated by landmines and explosive remnants of war, adversely affecting children. Direct clashes between the Tatmadaw and armed groups as well as ground engagements also continued to affect children, with 27 incidents verified (19 children killed and 34 maimed).

43. During the last quarter of 2016, following the military clearance operation carried out in the northern townships of Rakhine by a combined security force of Tatmadaw soldiers and border guard forces, the country task force received reports of 18 separate incidents, in which up to 40 children had been killed and 4 maimed, but was unable to verify that information as a result of access restrictions.

44. Verified incidents of killing and maiming were attributed to the Tatmadaw (21 incidents), KIA/KIO (4 incidents), TNLA (4 incidents), MNDAA (3 incidents) and KIA, TNLA and AA (1 joint incident). Attributing cases of killing and maiming remains challenging, owing in particular to access restrictions and cases of crossfire; 41 per cent of all verified child casualties could not be attributed to a specific party.

3. Rape and other forms of sexual violence

45. While sexual violence remained underreported, the country task force verified 9 cases and documented 21 during the reporting period. All documented incidents had been perpetrated by the Tatmadaw and committed against girls. The prosecution of rape and sexual violence by Tatmadaw soldiers falls under the jurisdiction of military courts, but it is unclear how such courts investigate and prosecute alleged perpetrators. The country task force therefore has little information on concrete accountability measures taken by the Tatmadaw following such incidents.

46. In September 2015, a Tatmadaw soldier sexually abused an 8-year-old girl who was subsequently transported to Sittwe General Hospital in critical condition and died in October, following her transfer to Yangon General Hospital. The soldier was arrested by the police and transferred to military authorities. The country task force addressed a letter to the Ministry of Defence calling for an investigation and corresponding accountability measures, but did not receive a response. In another incident, in July 2016 a 4-year-old girl was sexually abused by an on-duty Tatmadaw sergeant in the Mandalay Region. The police arrested the perpetrator, and the sergeant was charged by both a civilian court and a military court-martial. The proceedings in both courts were ongoing at the time of reporting.

47. During the military clearance operation carried out in northern Rakhine State following the events of 9 October 2016, the country task force received reports of 15 cases of rape committed against girls in Maungdaw Township. The cases included sexual violence against girls, including gang rapes.

4. Abduction of children

48. Incidents of abduction affected 25 boys and 15 girls during the reporting period. Figures clearly showed an increase in the number of cases of abduction committed by armed groups at the end of 2015 and in 2016, which is likely linked to increased intensity of conflict during that period.

49. Almost half of the total number of reported incidents were attributed to the Tatmadaw (33, of which 8 were verified); 18 incidents (of which 14 were verified)

were attributed to KIA. However, it is likely that cases pertaining to armed groups are underreported, owing to lack of access to non-Government-controlled areas. More than two thirds of the total number of reported incidents of child abduction occurred in the context of larger-scale abductions involving adults.

50. In a verified incident that occurred in February 2017, a 12-year-old girl was abducted by KIA in Kutkai and held hostage by the group because her older brothers had refused to join it. During her captivity, the girl received military training. Following advocacy by the country task force, she was released to her village.

5. Attacks on schools and hospitals

51. With regard to attacks on schools and teachers, the country task force verified 12 of a total of 25 reported incidents. Of the 12 verified incidents, 4 were attributed to the Tatmadaw; 1 was a joint operation of the Tatmadaw and the Pansay Development Army; 5 were cases of crossfire involving the Tatmadaw and armed groups (TNLA (2), KIA (1), the Arakan Rohingya Salvation Army, formerly known as Harakah al-Yaqin (1), and the DKBA splinter group (1)); 1 was attributed to the splinter group; and 1 could not be attributed.

52. Attacks on schools included targeted attacks on school infrastructure; incidents of crossfire near schools that led to their partial or complete destruction; and the killing (one) and injury (one) of schoolteachers. For example, in early 2015 a Karen primary school in Hlaing Bwe Township in Kayin State was burned down by a battalion of the DKBA splinter group after pressure from a local religious leader prohibiting other religious foundations from working in the area. In August 2016, during fighting between KIA and the Tatmadaw, a mortar shell landed on a school in Hpa Kant Township, Kachin State, during school hours. A 10-year-old student and a teacher were injured by the explosion and subsequently hospitalized. In early June 2017, the Tatmadaw took cover in a middle school in Namkham Township, Shan State, during a one-hour firefight against TNLA. A total of 105 students and 11 teachers were trapped in the building during the incident. While no children were killed or injured, the school sustained damage and consequently remained closed for two days. Attacks on schools and teachers as well as insecurity prevented thousands of children from attending school in Kayin, Shan, Kachin, Chin and Rakhine States.

Military use of schools and hospitals

53. In addition to attacks on schools, the country task force documented 23 incidents of the military use of schools, of which 11 were verified; 10 were attributed to the Tatmadaw and 1 to KIA.

54. In 2014 and 2015, a school in Bhamo Township, Kachin State, was occupied by approximately 40 to 50 Tatmadaw personnel for an average duration of four to five days at a time to distribute monthly rations and organize battalion exchanges. The Tatmadaw vacated the school after the country task force had sent a letter expressing its concern. In another incident, in March 2015 more than 50 Tatmadaw soldiers occupied a school located in a church compound at the Robert camp for internally displaced persons in Bhamo Township for two days and used it as a sleeping space. Advocacy by local leaders, highlighting that the presence of Tatmadaw soldiers was putting the school and the camp population at risk, led the Tatmadaw to leave. In respect of armed groups, the country task force verified the temporary use of a school in Kachin State as a military training facility by KIA during the 2017 summer holidays. Following discussions between the United Nations and KIO representatives, KIA vacated the dormitory and prohibited the presence of active combatants near the premises.

55. In addition to the verified incidents, several schools were reportedly occupied by Tatmadaw soldiers and border guard police officers in northern Rakhine State at the end of 2016 and in early 2017 during military clearance operations in the area. The schools were reportedly used primarily to gather villagers together and interrogate them.

56. The country task force also verified the military occupation of one hospital by Tatmadaw soldiers, in Kutai Township, Shan State, in 2013.

C. Denial of humanitarian access

57. The country task force verified nine incidents of the denial of humanitarian access affecting children, of which four were attributed to the Tatamadaw and two to the Government; three could not be attributed. For example, in February 2015 an unknown perpetrator attacked a Myanmar Red Cross Society convoy in northern Shan State, leading to the death of a Myanmar Red Cross volunteer. The convoy was transporting civilians displaced by the Kokang armed conflict and was targeted several times by unknown assailants. In another incident, at the end of August 2016 the Tatmadaw stopped a vehicle of a local humanitarian organization transporting medicine to camps for internally displaced persons in eastern Kachin State and seized all the medicine in the vehicle. While the medicine was returned to the organization, the staff was forced to return to Myitkyina, the capital of Kachin State.

58. In addition to specific incidents, broad access restrictions were a constant challenge for the country task force and international and national humanitarian organizations throughout the reporting period, particularly in Kachin, Shan and Rakhine States.

59. In the northern part of Rakhine State, for example, immediately following the attacks of 9 October 2016 and the subsequent military operations, nearly all humanitarian activities had to be suspended across Buthidaung and Maungdaw Townships as a result of movement restrictions imposed by the Government. Restrictions on civilian movement cost the life of a sick 2-year-old child in Buthidaung Township, northern Rakhine State, in March 2017 because the child's parents were unable to obtain the village departure certificate in time to allow a transfer to Buthidaung Hospital.

60. In Kachin State, despite discussions between the Government and KIO regarding access for the delivery of humanitarian aid, the Government refused to permit international humanitarian organizations to deliver relief supplies in areas beyond Government control after April 2016. Community-based organizations were permitted to deliver limited relief assistance in those areas. Furthermore, international humanitarian staff were limited in their access to people in camps for internally displaced persons in Government-controlled areas of Kachin and northern Shan States, owing to restrictions on the issuance of travel authorizations by the Government. In a worrisome development, at the end of July 2016 the Government, through the Ministry of Foreign Affairs, informed the international community of its plans to compel internally displaced persons in non-Government-controlled areas to cross conflict lines to receive food deliveries, endangering those in search of aid, including children. Access to areas north of Laukkaing in the Kokang Self-Administered Zone, where sporadic, small-scale clashes continue, remains restricted for all humanitarian staff.

E. Progress in ending and preventing grave violations by armed forces and groups in Myanmar

61. In an encouraging development, the armed forces made progress in implementing the Joint Action Plan, particularly with regard to the identification and release of child soldiers. Furthermore, several listed armed groups demonstrated their willingness to engage with the United Nations on issues relating to child protection. Four armed groups, including the KNPP/KA, KNU, the DKBA splinter group and KIA, expressed their willingness to develop and implement action plans, signalling an increased willingness to end the practice of child recruitment.

Armed forces (Tatmadaw)

62. Throughout the reporting period the country task force continued to meet regularly and engage with the Government on the implementation of the Joint Action Plan. In March 2014, the agreement with the United Nations was extended, and in September 2014 the Government adopted a workplan to accelerate the implementation of the Joint Action Plan.

63. More than 880 children and young people who had been recruited as children were released by the Tatmadaw during the period from February 2013 to June 2017, of whom 849 were released after identification and joint verification by the country task force and the Government. The number of children released under the Joint Action Plan totalled 42 in 2012, 134 in 2013, 377 in 2014, 146 in 2015, 101 in 2016 and 49 from January to June 2017.

64. The United Nations and its partners have been working with the Government of Myanmar through the Interministerial Working Group on Reintegration to ensure access to socioeconomic reintegration for all released children. All of the 849 children formerly associated with the armed forces benefited from an initial psychosocial debriefing at the time of their discharge and underwent a medical examination. In addition, 647 discharged children and young people (81 per cent) were enrolled in socioeconomic reintegration activities, including education support (63), vocational training (192) and income-generating activities (364). In 13 cases, structural support for the community of reintegrated children was provided, and in 15 cases medical assistance (including long-term assistance) was considered necessary. In 82 cases, the young people were referred to the Department of Social Welfare, as they were more than 20 years of age at the time of their discharge. In 30 cases, no assistance was provided, notably if the children migrated outside the country, did not need support for their reintegration, died or were not traceable.

65. The Ministry of Education issued a nationwide directive for the unconditional enrolment of children formerly associated with the Tatmadaw in governmental schools. The Ministry of Health issued similar directives to public hospitals to ensure access to health care for reintegrated children.

66. During the reporting period, the Tatmadaw reported that it had trained 3,770 army officers, including border guard forces, on the Joint Action Plan. By the end of 2015, 18,699 members of the military had received training on the prevention of underage recruitment and the country task force had observed increased awareness on the part of soldiers regarding the issue during monitoring missions. During the reporting period, the country task force conducted 33 monitoring visits, covering 119 battalions, 7 training centres, 5 recruitment centres, 4 mobile recruitment units, 3 military detention centres and 11 border guard forces.

67. Progress in preventing underage recruitment was also advanced through the review and improvement of age assessment methodology in March 2015 with the

support of the United Nations. Procedures for age assessment were formulated to help screen out children during recruitment processes, identify children during Tatmadaw internal screenings and prevent underage recruits from being arrested or detained under charges of desertion.

68. In line with the conclusions of the Working Group of the Security Council on Children and Armed Conflict (S/AC.51/2013/2), the Government abolished military instruction 1/130/Yay 1 (Ka) of 1996, the "tenth standard exception", which allowed the Tatmadaw to recruit children who had passed the tenth standard examinations (usually around 16 years of age), in November 2013.

69. As of June 2014, military recruitment had shifted to a more centralized system, with recruitment at the battalion level being prohibited through a directive. This was an important step in accelerating progress on the Joint Action Plan. However, the country task force continued to document occasional cases of recruitment at the battalion level following the centralization.

70. In November 2013, the Government, the Tatmadaw and the country task force jointly launched a public awareness campaign to end and prevent the recruitment and use of children by the Tatmadaw, which consisted of billboards, stickers, posters and TV/radio/newspaper advertisements for nationwide dissemination by the Government. All awareness materials included the number of the dedicated hotline of the country task force for reporting suspected cases of child recruitment. Billboards in each township were maintained; however, TV and radio spots ended in May 2014. The Tatmadaw reaffirmed its commitment to relaunch the nationwide campaign in 2016, and the campaign was relaunched in the second quarter of 2017.

71. Prosecuting civilian and military recruiters of children is crucial to ensure accountability and the sustainability of measures taken by the Tatmadaw to prevent future recruitment and use of children. The Tatmadaw has signalled its commitment to prosecute military personnel involved in such activities, including those found to have forged official documents, as provided for in national law. While the Government shared a list of 421 perpetrators (86 commissioned officers and 335 of other ranks) sanctioned with regard to recruitment during the period from July 2014 to December 2015, the link between specific cases and the exact sanctions taken is unclear. Concerning the prosecution of civilian brokers, the forthcoming adoption of the national child law, which contains specific provisions and punishments for civilian brokers, would be an important step in ensuring that a clear legislative framework is in place for prosecuting civilians who try to recruit children and hand them over to the Tatmadaw. However, accountability mechanisms for military personnel who have recruited or used children is an area where greater transparency and cooperation are needed. The adoption of a strong legal framework for civilian accountability is also required; the draft child law contains a section that will address that need once the law has been adopted by Parliament.

72. During the reporting period, the Government of Myanmar took several important steps to ratify or sign international commitments relating to child rights and child protection. In December 2013, Myanmar ratified the Worst Forms of Child Labour Convention, 1999 (No. 182). The International Labour Organization instrument calls for the prohibition and elimination of the worst forms of child labour, including the use of children in armed conflict. In September 2015, Myanmar signed the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The Protocol is aimed at strengthening the protection of children from recruitment into the armed forces by, among other provisions, confirming 18 as the minimum age for compulsory recruitment into the armed forces. The Government has yet to ratify that instrument. In February 2017, the Government

of Myanmar signed the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (Paris Principles).

73. In December 2013, at the invitation of the Government of Myanmar, the Working Group of the Security Council on Children and Armed Conflict conducted a four-day visit to Myanmar. The visit was aimed at reviewing progress in the implementation of the Joint Action Plan, assessing remaining challenges in addressing the situation of children in armed conflict in Myanmar, and interacting with relevant government ministries and child protection partners. The delegation noted the strong commitment of the Government to the implementation of the Joint Action Plan, but also highlighted key areas where further progress was needed to ensure full compliance. The Working Group also reaffirmed its commitment to support the Government in addressing grave violations against children and ending the recruitment and use of children.

74. The Ministry of Social Welfare, Relief and Resettlement continues to provide leadership by co-chairing the national Mine Risks Working Group, which comprises 10 ministries (including the Ministry of Defence) and 28 national and international non-governmental organizations and United Nations agencies, to enhance interministerial and inter-agency coordination on mitigation of the risks posed by landmines and explosive remnants of war. Four State-level mine risk working groups have been established, in Kachin, Kaya, Kayin and Shan States. In 2016, the participation of the Tatmadaw, KNU, KNLA-PC and the DKBA splinter group in meetings of mine risk working groups has increased and commitments to support the issues of landmines/explosive remnants of war have been clearly articulated. In addition, the splinter group, KNU and KNLA-PC engaged in mine risk education in March 2015. A common mine risk education toolkit was approved by the Government in 2016, and its roll-out in affected States and regions by teachers, Red Cross personnel, other government departments, community-based organizations and national and international non-governmental organizations has begun. As a result, in 2016 a total of 47,478 children (22,484 boys and 24,994 girls) received mine risk education.

Armed groups

75. My Special Representative for Children and Armed Conflict, during her visit in July 2015, engaged in dialogue with three listed armed groups to encourage the development of action plans to address the recruitment and use of children and other grave violations. The United Nations has pursued further dialogue with those groups, namely, KNU, KNLA, KNPP/KA and KIO/KIA, in addition to the DKBA splinter group. Subsequently, several armed groups took a series of concrete measures to prevent and reduce the impact of grave violations against children. In May 2016, KNU established a formal and direct advocacy channel between the country task force and its headquarters, so that incidents of grave violations against children involving KNLA could be addressed. In September 2016, the group held a two-day workshop in Myawaddy Township, Kayin State, with the country task force to discuss how to end and prevent the recruitment and use of children. With regard to KNLA-PC and the DKBA splinter group, the country task force met with both groups and held a workshop on ending the recruitment and use of children on two separate occasions in July 2017.

76. One listed party, KNPP/KA, is ready to sign an action plan, while draft action plans are being formulated with KNU/KNLA (2016), KNLA-PC (2017) and the DKBA splinter group (2017). The Government of Myanmar, however, has not provided its consent to the country task force to sign the action plans with armed groups, pending the delisting of the Tatmadaw from my annual report. The signing and implementation of action plans with listed armed groups is a critical component

of the Government's larger commitment to end the recruitment and use of children throughout Myanmar, in line with its obligations under the Convention on the Rights of the Child and the commitment made by signing the Optional Protocol and the 2007 Paris Principles. It is my sincere hope that the Government will see its way to facilitating access to any armed group willing to engage in dialogue on the release of children from armed groups.

77. At the invitation of the Central Committee of KIO, the United Nations facilitated a workshop in Laiza in March 2016 on ending the recruitment and use of children and abduction of children by KIA. The workshop highlighted challenges in terms of supervision and accountability on the part of KIA soldiers during the recruitment process, as well as the lack of clear internal protocols for preventing child recruitment. The workshop also led to the establishment of a direct channel of communication between the country task force and KIA headquarters to address cases of grave violations against children involving KIA perpetrators. Following this event, a 17-year-old girl was the first child to be officially released by KIA, in May 2016. The girl had been forced to attend a 10-week military training session.

III. Observations and recommendations

78. I condemn the grave violations committed against children, particularly in Kachin, Rakhine and Shan States, including the recruitment and use, killing and maiming and abduction of children. The denial of access for humanitarian organizations to civilians, including children, also has had severe negative impacts on children. I call upon all parties to conflict in Myanmar to respect their obligations under international law and to put in place measures to end violations and prevent further ones.

79. In view of the fact that reported trends with respect to grave violations committed in the recent crisis in northern Rakhine State fall outside the reporting period, I recommend that my Special Representative update the Working Group of the Security Council on Children and Armed Conflict by August 2018 on the situation in Myanmar for the period from July 2017 to June 2018.

80. Notwithstanding ongoing armed clashes in conflict-affected areas of Myanmar, I am encouraged by the continued peace process efforts under the new administration with a number of armed groups, including the three rounds of peace talks held in January and August 2016 and May 2017. I urge parties to include child protection issues, particularly the immediate separation of all children from all armed forces and groups, on the agenda of those talks.

81. I call on all parties to conflict to end restrictions placed on humanitarian organizations and to allow and facilitate rapid and unimpeded access for humanitarian assistance to all civilians in need, in particular children. I also call on the parties to conflict to facilitate unfettered access for the United Nations to areas of concern for the monitoring and reporting of grave violations against children and to engage with relevant parties to end such violations and prevent them from occurring in the future.

To the Government of Myanmar

82. I am encouraged by the progress achieved by the Government in implementing the Joint Action Plan during the reporting period, including through the centralization of recruitment within the armed forces, the release of more than 850 children, the provision of reintegration services for children released from the Tatmadaw and the training of more than 18,000 soldiers and officers on the prevention of underage recruitment. However, to avoid further prolongation of the full implementation of the

Action Plan and sustain positive momentum, I urge the Government to take the following steps without delay:

(a) Streamline the ongoing identification, registration and discharge of all children within the ranks of the Tatmadaw in coordination with the country task force on monitoring and reporting, including by reducing the often lengthy verification process prior to release;

(b) Put in place legal measures to better protect children from the effects of armed conflict by including explicit provisions in the draft child law related to the criminalization of recruitment by both military recruiters and civilian brokers, holding perpetrators of grave violations accountable for their actions through investigation and prosecution, and ensuring the protection of child victims;

(c) Immediately cease the arrest and imprisonment of children or adults who were recruited as minors, for desertion and/or attempting to leave the army, and ensure their swift and unconditional release;

(d) In the spirit of the Joint Action Plan of 2012 and relevant national and international legal instruments, review and amend any legislation to preclude the detention and/or prosecution of children on charges related to illegal association with armed groups;

(e) Facilitate continued timely and frequent access for the country task force on monitoring and reporting to military facilities, operational battalions and other areas where children may be present, including by allowing access to operational regiments and battalions, in addition to regional commands, recruitment units and training schools;

(f) Facilitate access for the country task force on monitoring and reporting to other listed parties in Myanmar to engage in dialogue with a view to developing action plans to end the recruitment and use of child soldiers and to address other grave violations as appropriate, in line with the spirit of the Paris Principles and the Optional Protocol on the involvement of children in armed conflict.

To armed groups

83. I urge all armed groups listed in the annexes to my annual report to immediately halt and prevent the recruitment and use of children and to release all children present in their ranks, in cooperation with the country task force on monitoring and reporting. Those parties are encouraged to enter into dialogue with the United Nations for the preparation and implementation of action plans to end child recruitment and use.

To the international community

84. I encourage the international donor community to provide financial resources to support the work of the United Nations in monitoring and reporting, facilitate the implementation of the Joint Action Plan to end and prevent the recruitment and use of children by the Tatmadaw, engage with listed armed groups with a view to ending and preventing grave violations against children, and ensure that children separated from parties to conflict receive appropriate reintegration services.